

Docket No.: 10001192-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

James Wichelman, et al.

Serial No. 09/449,643

Group Art Unit: 2857

Confirmation No. 6526

Filed: November 30, 1999

Examiner: Anthony Gutierrez

For: MONITORING SYSTEM AND METHOD IMPLEMENTING FAILURE TIME SPECTRUM
SCAN

COMMUNICATION TO THE USPTO REGARDING TERMINAL DISCLAIMER FEES

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Two terminal disclaimers were filed on October 20, 2004, and the associated two terminal disclaimer fees were paid, in the above-referenced application.

However, the two previously filed terminal disclaimers were not accepted by the Examiner. Therefore, two new terminal disclaimers are filed herewith. These two new terminal disclaimers should be acceptable by the Examiner. Accordingly, it is respectfully requested that the two previously paid terminal disclaimer fees be applied to the new terminal disclaimers filed herewith.

Moreover, a third terminal disclaimer is also filed herewith, along with the associated terminal disclaimer fee.

In summary, three terminal disclaimers are filed herewith. One terminal disclaimer fee is paid herewith, and it is respectfully requested that the two previously paid terminal disclaimer fees be applied.

Respectfully submitted,

Date:

July 27, 2005

By:

Paul I. Kravetz

Paul I. Kravetz
Registration No. 35,230

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TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, AGILENT TECHNOLOGIES, INC., is the owner of one hundred percent interest in the instant application. Petitioner has reviewed the evidentiary information, and to the best of the undersigned's knowledge and belief, the title is in the name of AGILENT TECHNOLOGIES, INC., as specified previously.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §§154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,522,987, issued February 18, 2003. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,522,987 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §§154 to 156 and 173 of prior U.S. Patent No. 6,522,987, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Terminal Disclaimer Fee is to be charged to Deposit Account No. 50-1078, as indicated in the Transmittal Letter filed concurrently herewith.

The undersigned is an attorney of record.

Date: 26 July 2005


Ronald Hudgens
Registration No. 24,288